

TESTIMONY PRESENTED TO THE LABOR COMMITTEE
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Testimony Opposing Senate Bill No. 439

AN ACT CONCERNING HAZARDOUS DUTY RETIREMENT FOR CERTAIN EMPLOYEES AT
THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

This Bill attempts to amend a Management Personnel Policy to include the Director and Assistant Director of the Emergency Response and Spill Prevention Division of the Department of Environmental Protection.

Under CGS §5-200 (p) the Commissioner of the Department of Administrative Services (DAS), with the approval of the Secretary of the Office of Policy and Management have the ability to extend certain benefits enjoyed by members collective bargaining units to non-bargaining unit employees. This is accomplished by way of a Management Personnel Policy. The legislature should not enact a statute that would change a long-standing, fully operational Management Personnel Policy that is consistent with existing statutes. The request to include the Director and Assistant Director of the Emergency Response and Spill Prevention Division of the Department of Energy and Environmental Protection has already been rejected several times by both the DAS Commissioner and the Secretary of the Office of Policy and Management since at least 1999. The legislature has rejected this proposal since at least 2001 for good and valid reasons as well.

The standards applied to whether or not employees are included in hazardous duty retirement are outlined in CGS §§5-173 and 5-192f. The statutes generally require that the individual or classification performs guard or instructional duties at a correctional or correctional-type facility or alternatively is employed as a police officer. As the job classifications of Director and Assistant Director of the Emergency Response and Spill Prevention Division of the Department of Energy and Environmental Protection are administrative in nature, they should not function in a responder capacity. They would not, therefore satisfy the statutory standards. Managers performing bargaining unit work may also violate the collective bargaining agreement covering the employees that these managers supervise.

Based upon the foregoing, this Bill should not be passed.